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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Starr et al.

Application No.: 10/045,503

Filed: November 7, 2001

For: METHOD FOR SELECTING AN  
OPTIMAL BALANCE BETWEEN  
DIRECT COST AND A NUMBER OF  
SUPPLIERS

Group Art Unit: 2161

Examiner: Unassigned

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**INFORMATION DISCLOSURE STATEMENT  
PURSUANT TO 37 C.F.R. §§ 1.56 ET SEQ.**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Dear Sir:

In accordance with 37 C.F.R. § 1.97(b), the above-identified Applicants cite the following patents and publications, which may be material to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 C.F.R. § 1.56. This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits.

**CERTIFICATE OF MAILING (37 C.F.R. § 1.8)**

I hereby certify that this paper, and the papers and/or fees referred to herein as transmitted, submitted or enclosed, are being deposited on the date shown below with the U.S. Postal Service with sufficient postage as first-class mail in an envelope addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Name Kim R. Jessum Signature *Kim R. Jessum* Date of Deposit June 26, 2002

In compliance with 37 C.F.R. § 1.98(a), copies of the patents and publications set forth below and listed on the attached Form PTO-1449 (3 sheets) are provided.

U.S. Patents

| <u>Patent No.</u> | <u>Issue Date</u> | <u>Patentee</u>     |
|-------------------|-------------------|---------------------|
| 3,581,072         | 5/25/71           | Nymeyer             |
| 3,863,060         | 1/28/75           | Rode, et al.        |
| 4,597,045         | 6/24/86           | Kiuchi              |
| 4,674,044         | 6/16/87           | Kalmus, et al.      |
| 4,789,928         | 12/6/88           | Fujisaki            |
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| 5,758,328 | 5/26/98  | Giovannoli      |
| 5,765,138 | 6/9/98   | Aycock, et al.  |
| 5,774,873 | 6/30/98  | Berent, et al.  |
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| 5,794,219 | 8/11/98  | Brown           |
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| 5,803,500 | 9/8/98   | Mossberg        |
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| 6,021,398 | 2/1/00   | Ausubel            |
| 6,023,685 | 2/8/00   | Brett, et al.      |
| 6,044,363 | 3/28/00  | Mori, et al.       |
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| 6,266,652 | 07/24/01 | Godin, et al.      |
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Foreign Patents

| <u>Publication No.</u> | <u>Publication Date</u> | <u>Country</u> |
|------------------------|-------------------------|----------------|
| 0399850A               | 11/28/90                | EP             |
| WO 92/15174            | 9/3/92                  | WIPO           |
| WO 97/37315            | 10/9/97                 | WIPO           |
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Danny Cohen, "Computerized Commerce", Information Processing 89, August 28-September 1, 1989

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Kikuchi, et al., "Multi-Round Anonymous Auction Protocols", IEICE Trans. Inf. & Syst., vol.E82-D, No.4, April 1999

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"Sold!... To the Lowest Bidder", Computer Finance, v6, n2, July 1995

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"What you need to know to bid in FCC's narrowband auction", Washington Telecom News, v2, n26, p6(2), June 27, 1994

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Woolley, "E-muscle", Forbes, March 9, 1998

Applicant respectfully requests that these items be considered by the Examiner, and that the Examiner acknowledge consideration of these references by initialing and returning copies of the enclosed Form PTO-1449 (3 sheets) with the next official action.

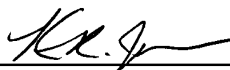
While this Information Disclosure Statement may be "material" pursuant to 37 C.F.R. §1.56, it is not intended to constitute an admission that any patent, publication or other information referred to herein is "prior art" for this invention or otherwise material to the patentability of this invention as defined in 37 C.F.R. § 1.56.

In accordance with 37 C.F.R. § 1.97(g), the filing of this Information Disclosure Statement shall not be construed as a representation that a search has been made or that no other material information as defined in 37 C.F.R. § 1.56(b) exists.

**EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

June 26, 2002  
Date

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|   |                |                        |                  |
|---|----------------|------------------------|------------------|
| Substitute for form 1449A/PTO   |                | <b>Complete Known</b>  |                  |
| <b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b><br><br>(use as many sheets as necessary) |                | Application Number     | 10/045,363       |
|   |                | Filing Date            | November 7, 2001 |
|   |                | First Named Inventor   | Starr et al.     |
|   |                | Group Art Unit         | 2161             |
|   |                | Examiner Name          | Unassigned       |
|   |                | Attorney Docket Number | 046700-5055      |
| Sheet   | 1 JUL 0 1 2002 |                        |                  |

| U.S. PATENT DOCUMENTS |                      |                      |   |   |
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| Exr Initials          | U.S. Patent Document |                      | Name of Inventor or Applicant of Cited Document | Date of Publication of Cited Document<br>MM-DD-YYYY |
|                       | Number               | Kind Code (if known) |   |   |
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|                       | 3,863,060            |                      | Rode, et al.                                    | 1/28/75   |
|                       | 4,597,045            |                      | Kiuchi  | 6/24/86   |
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|                       | 5,193,056            |                      | Boes  | 3/9/93  |
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|                       | 5,803,500            |                      | Mossberg  | 9/8/98  |
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|                       | 5,862,223            |                      | Walker, et al.                                  | 1/19/99   |

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| Examiner Signature |  | Date Considered |  |
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| Substitute for form 1449A/PTO   |  | <b>Complete Known</b>  |                  |
| <b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b><br>(use as many sheets as necessary) |  | Application Number     | 10/045,663       |
|   |  | Filing Date            | November 7, 2001 |
|   |  | First Named Inventor   | Starr et al.     |
|   |  | Group Art Unit         | 2161             |
|   |  | Examiner Name          | Unassigned       |
| Sheet 2   |  | Attorney Docket Number | 046700-5055      |

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|                          | Country Code            | Number      | Kind Code (if known) |   |   |                |
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| OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS |   |                |
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| Exr Initials                                      | Include Name of Author (in CAPITAL LETTERS), title of the article (where appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published | T <sub>1</sub> |
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|   |   | <b>Group Art Unit</b>         | 2161             |
|   |   | <b>Examiner Name</b>          | Unassigned       |
|   |   | <b>Attorney Docket Number</b> | 046700-5055      |
| Sheet   | 3 | of                            | 3                |

|   |  |  |
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| 1 | Malone, et al., "The Logic of Electronic Markets", Harvard Business Review, No. 893II, May-June 1989   |  |
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| f | Sairamesh, et al., "Economic Framework for Pricing and Charging Digital Libraries", D-Lip Magazine, February 1996  |  |
| e | "Sold!...To the Lowest Bidder", Computer Finance, v6, n2, July 1995  |  |
| o | "Venture Capitalists Fund Two Massachusetts Internet Related Companies", Boston Globe, January 14, 1998  |  |
| 1 | Vigoroso, "Buyers prepare for brave new world of e-commerce", Purchasing, v126, n6, pS4(1), April 22, 1999   |  |
| 9 | Von der Fehr, et al., "Predatory bidding in sequential auctions", Oxford Economics Papers, v46, n3, p345(12), July 1994  |  |
| e | "What you need to know to bid in FCC's narrowband auction", Washington Telecom News, v2, n26, p6(2), June 27, 1994   |  |
| + | Wilder, "What's Your Bid? - FreeMarkets' real-time online bidding technology lets clients drive downcosts and improve product value", InformationWeek, November 10, 1997 |  |
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| Examiner<br>Signature |  | Date<br>Considered |  |
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